

SL 44
05.09.2023
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 17766 of 2023

**Beauty Mandal
-versus
The Secretary of West Bengal State Election
Commission & Ors.**

**Mr. Subhrajit Saha,
Mr. Badrul Karim
... For the Petitioner.**

**Ms. Sonal Sinha
Mr. Tarun Kumar Chatterjee
Mr. Sujit Gupta
Mr. Sayan Datta
Mr. Soumen Chatterjee
...For the Election Commissioner.**

**Mr. Anuran Samanta
... For the respondent no. 3.**

The petitioner contested the Panchayat General Elections, 2023.

She alleges that there were several ballot papers which were cancelled on account of non affixing the distinguishing seal and signature of the Presiding Officer in the reverse side of the ballot papers.

It has been submitted that the said ballot papers were used for influencing the result of the election.

It appears that the complaint regarding the cancellation of the ballot papers was submitted before the Panchayat Returning Officer on 17th July, 2023.

The same has been submitted long after the declaration of the Panchayat Election result.

According to the provisions of law, the prayer for recounting is required to be made on the day of counting, prior to declaration of result.

The same not being done, no relief can be granted to the petitioner in the instant case.

The writ petition fails and is hereby dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)